

HOUSE BILL 3117
By Odom

AN ACT to amend Tennessee Code Annotated, Title 55; Title 68, Chapter 31 and Title 68, Chapter 212, relative to transportation of hazardous wastes, hazardous materials and hazardous substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-212-108, is amended by adding the following new subsection:

() (1) Permits for transporters required by this section shall be issued in accordance with the provisions of this subsection. The department shall promulgate rules implementing a hazardous waste transportation registration and permitting program for transporters operating upon or over the public highways within the borders of this state. Rules adopted under this subsection shall be consistent with, and equivalent in scope, coverage, and content to, the report submitted by the alliance for uniform hazardous material transportation procedures to the secretary of transportation, United States department of transportation, pursuant to paragraph (c) of section twenty-two of the "Hazardous Materials Transportation Uniform Safety Act of 1990", Public Law 101-615.

(2) The hazardous waste transportation registration and permitting program established in this subsection shall be coordinated with hazardous waste regulations enforced by other agencies of the state, and shall preempt and supersede hazardous

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wastes transportation regulation and permitting programs administered or enforced by any municipality, county or other political subdivision of this state.

(3) The funds for the program established in this subsection shall be obtained from fees paid by transporters hereunder. Those fees shall be established by rulemaking by the department and shall be apportioned: by the percentage of the transporter's activity in this state; by the percentage of a transporter's business that is related to hazardous wastes; and by the number of motor vehicles operated in this state by a transporter. Rulemaking may also establish fees for processing and registration: provided, that such fees established in this subsection shall not exceed fifty dollars (\$50.00) per transporter per annum, nor fifty dollars (\$50.00) per vehicle per annum. Provided however, that such apportioned vehicle fee shall not be required under this program sooner than the registration year beginning on July 1, 1998.

(4) The department may enter into agreements with other states, a national repository or federal agencies as necessary to implement the program established under this subsection.

(5) To achieve the purposes of this subsection, the commissioner may, through its inspectors or other authorized employees, inspect any facilities or motor vehicles of any transporter subject to this program.

(6) It shall be unlawful for any person to operate, or cause to be operated, a motor vehicle transporting hazardous wastes upon or over the public highways within this state without first having complied with the requirements of the registration and permitting program, as established by the department. Failure to comply with the program requirements, as determined by the commissioner after notice and opportunity to be heard, may be sufficient cause for suspension or revocation of permits and registration under the program.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.